



DOCKET: 542-003.003

USSN: 10/018,515

JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

S. MEKATA et al.

Serial No. 10/018,515 ✓

Filed: December 13, 2001

Title: Intermittent Injection Aerosol
Product for Skin

Group Art Unit: 1616

Examiner: Alton Nathaniel PRYOR

Certificate of Mailing

I hereby certify that this correspondence is being deposited today with the US Postal Service as First Class Mail addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Cathy Sturmer 4/8/07
Cathy Sturmer Date

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

INFORMATION DISCLOSURE STATEMENT

Enclosed herewith are patents and/or publications for consideration by the Patent and Trademark office in regard to the invention claimed in the above-described application. In compliance with §1.56, such documents are listed in the enclosed Form PTO-1449.

Applicants request that the Patent and Trademark office make of record the above-identified documents. A full text copy of each document is attached, except for copies of U.S. patents and U.S. patent application publications. For documents not in English, an English translation or an equivalent English language patent or publication may be attached. Where a translation is not available, a concise explanation of the relevance of each document not in English is included either here or in the specification or the relevance is indicated by the categories indicated by a foreign examiner in an enclosed search report from a foreign patent office (see MPEP Section 609A(3)).

This Information Disclosure Statement (hereinafter "Statement") is submitted according to the following selected paragraph:

- I. **Filed: (1) Before Examination (including in an RCE), or (2) with an RCE to Withdraw an Appeal, or (3) with an RCE after the Mailing of a Decision on Appeal**

- ☒ (1) This Statement is being filed under §1.97(b) within three months of the filing date of the application, or before the mailing of a first Office Action on the merits or before the mailing of a first Office Action after the filing of a

Request for Continued Examination under §1.114(a) and (b)(4) and before filing a Notice of Appeal.

- ☐ (2) This Statement is being filed under §1.114(d) with a Request for Continued Examination (or before the mailing of a first Office Action after the filing of the Request for Continued Examination) to withdraw an Appeal before any Decision on Appeal has been mailed in order to permit the Office to consider this Statement under §1.97(b)(4).
- ☐ (3) This Statement is being filed under §1.198 After a Decision by the Board (see §§41.50 and 41.54) has been mailed and is being filed with a Request for Continued Examination under §1.114(a) (or before the mailing of a first Office Action after the filing of the Request for Continued Examination) to permit the Office to consider this Statement under §1.97(b)(4) (see also MPEP §1214.07).

II. A. Filed After Examination on the Merits has Commenced with Fee (without Certification) Before Prosecution is Closed, e.g., by a Final Action or Allowance

- ☐ This Statement is being filed under §1.97(c)(2), with fee, **prior** to the mailing date of any Final Action, a Notice of Allowance or an Action that otherwise closes prosecution in the application. A check in the amount of the fee required by §1.17(p) is enclosed.

II. B. Filed After Examination on the Merits has Commenced with Certification (without Fee) Before Prosecution is Closed, e.g., by a Final Action or Allowance

- ☐ This Statement is being filed under §1.97(c)(1), with a certification under, §1.97(e) prior to the mailing date of any of a Final Action, a Notice of Allowance or an Action that otherwise closes prosecution in the application. The undersigned hereby states that (check one):
 - ☐ each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
 - ☐ no item of information in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification under §1.97(e) after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Statement.

III. Filed After Prosecution has Closed with Both Fee and Certification, e.g., either: (1) After Final Action, or (2) After Allowance (but filed before or with Payment of the Issue Fee)

- ☐ This Statement is being filed under §1.97(d), with fee and certification under §1.97(e), on or after the mailing date of either a Final Action, a Notice of

Allowance (but prior to payment of the Issue Fee) or any Action that otherwise closes prosecution in the application. A check in the amount of the fee required by §1.17(p) is enclosed. The undersigned hereby states that (check one):

- ☐ each item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ no item of information in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification under §1.97(e) after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

IV. **Filed in an RCE After Payment of the Issue Fee (but before the Issue Date) with a Petition to Withdraw From Issue with Petition Fee**

- ☐ This Statement is being filed after payment of the issue fee but before the issue date with a petition under §1.313(a) and 1.313(c)(2) with the fee of Rule 17(h), and with a Request for Continued Examination under Rule 114(d) and the fee of Rule 17(e) or is being filed before the mailing of a first Office Action after the filing of the Request for Continued Examination.

Remarks

This Information Disclosure Statement serves to correct a typographical error regarding a reference that was disclosed in an Information Disclosure Statement received by the United States Patent & Trademark Office on December 13, 2001 and considered by the Examiner on August 21, 2002. In the Information Disclosure Statement of December 13, 2001, reference "5-277188 (EPO)" was disclosed, however, the PTO-1449 form should have indicated "JP 5-277188." The reference is correctly noted on the enclosed PTO-1449 form.

Also disclosed herein are three further references for consideration by the Examiner.

If there are fees and/or a petition due with this Statement that is/are for some reason incorrect or missing, the Commissioner is authorized to consider this paper as a substitute for any missing petition and/or to deduct/credit the missing amount or any shortfall/excess from/to our Deposit Account No. 23-0442.

Respectfully submitted,



Keith R. Obert
Attorney for the Applicant
Registration No. 58,051

KRO/cas
Ware, Fressola, Van Der Sluys & Adolphson LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468
(203) 261-1234
Customer no. 004955